



Historic Environment (Wales) Act 2023

2023 asc 3

PART 5

SUPPLEMENTARY PROVISION ABOUT BUILDINGS OF SPECIAL INTEREST AND CONSERVATION AREAS

CHAPTER 3

VALIDITY AND CORRECTION OF DECISIONS

PROSPECTIVE

Correction of decisions of Welsh Ministers

185 Meaning of “decision document” and “correctable error”

- (1) This section applies for the purposes of sections 186 and 187.
- (2) “Decision document” means a document which records—
 - (a) a decision to which section 182 applies (see subsection (2) of that section),
 - (b) a decision on an appeal under section 127 (appeal against enforcement notice),
or
 - (c) any other decision made under or by virtue of Part 3, Part 4 or this Part that is of a description specified in regulations made by the Welsh Ministers.
- (3) “Correctable error” means an error which—
 - (a) is contained in any part of the decision document which records the decision,
but
 - (b) is not part of any reasons given for the decision,
and “error” includes omission.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the *Historic Environment (Wales) Act 2023*, Cross Heading: *Correction of decisions of Welsh Ministers*. (See end of Document for details)

Commencement Information

II S. 185 not in force at Royal Assent, see [s. 212\(2\)](#)

186 Power to correct correctable errors in decision documents

- (1) This section applies where a decision document is issued which contains a correctable error.
- (2) If, before the end of the review period, the Welsh Ministers—
 - (a) receive a request in writing to correct the error from any person, or
 - (b) send a statement in writing to the applicant which explains the error and states that they are considering correcting it,
 the Welsh Ministers must decide whether or not to correct the error.
- (3) But the Welsh Ministers may not make a correction unless they have informed the planning authority that they have received the request mentioned in subsection (2)(a) or sent the statement mentioned in subsection (2)(b).
- (4) The review period is—
 - (a) where the decision document records a decision to which section 182 applies, the period within which an application for permission to apply for statutory review under section 183 may be made to the High Court;
 - (b) where the decision document records a decision on an appeal under section 127 to which section 182 does not apply, the period within which an application for permission to bring proceedings under section 184 may be made to the High Court, not including any time by which the High Court may extend that period,
 and it does not matter whether any such application is actually made.
- (5) As soon as practicable after the Welsh Ministers correct the error or decide not to correct it, they must issue a correction notice.
- (6) A correction notice is a notice which—
 - (a) specifies the correction of the error, or
 - (b) gives notice of a decision not to correct it.
- (7) The Welsh Ministers must serve the correction notice on—
 - (a) the applicant;
 - (b) if the applicant is not the owner of the building or other land to which the original decision relates, every owner of the building or land;
 - (c) the planning authority;
 - (d) if the correction was requested by any other person, that person;
 - (e) any other person who is specified, or is of a description specified, in regulations made by the Welsh Ministers.
- (8) Where the decision document was issued by a person appointed under section 173, the functions of the Welsh Ministers under this section may also be exercised by that person or by any other person appointed under that section to determine appeals instead of the Welsh Ministers.
- (9) In this section—

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“the applicant” (“*y ceisydd*”) means the person who made the application or appeal, or served the purchase notice, to which the original decision relates;

“owner” (“*perchennog*”), in relation to a building or other land, means—

- (a) an owner of the freehold estate in the building or land, or
- (b) a tenant under a lease of the building or land granted or extended for a fixed term that has at least 7 years left to run;

“the planning authority” (“*yr awdurdod cynllunio*”) means the planning authority in whose area the building or other land to which the original decision relates is situated.

Commencement Information

I2 S. 186 not in force at Royal Assent, see [s. 212\(2\)](#)

187 Effect and validity of correction notice

- (1) If a correction is made under section 186—
 - (a) the original decision is to be treated as not having been made;
 - (b) the decision is to be treated for all purposes as having been made on the day the correction notice is issued.
- (2) If a correction is not made—
 - (a) the original decision continues to have effect;
 - (b) section 186 and this section do not affect anything done in pursuance of or in relation to the decision.
- (3) Where a correction notice is issued in relation to a decision to which section 182 applies, section 183 applies to the correction notice as if it were a decision to which section 182 applies.
- (4) Where a correction notice is issued in relation to a decision to which section 184 applies, section 184 applies to the correction notice as if it were a decision to which that section applies.
- (5) Where regulations under section 185(2)(c) specify a description of decision, the Welsh Ministers must by regulations make provision which corresponds to section 183 or 184 for questioning the validity of a correction notice issued in relation to a decision of that description.
- (6) The validity of a correction notice may not be questioned in any legal proceedings except to the extent provided by virtue of this section.

Commencement Information

I3 S. 187 not in force at Royal Assent, see [s. 212\(2\)](#)

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